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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,369	05/12/2005	Tillman Freudenberg	8470G-000023/NP	1073
27572	7590	12/08/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			NGUYEN, XUAN LAN T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/506,369

Applicant(s)

FREUDENBERG ET AL.

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. Three foreign patent documents cited in the IDS submitted by Applicant dated 9/2/04 have been crossed out since the foreign patent documents are not in the file.
2. The Search Report listed on form PTO-1449 has been lined out since such Report is not considered as a proper prior art document; and would not be printed on the face of the patent should the instant application matures into a patent. The Report has been considered during the examination of the application. The Examiner appreciates the submission of the Report.

Specification

3. The substitute specification dated 9/2/04 has been approved.
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "magnetic elastomer".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. It is believed that the claimed "damping channel" on line 2 of claim 2 should have been -- additional damping channel--. Claim 2 is being treated as claiming -- additional damping channel--.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

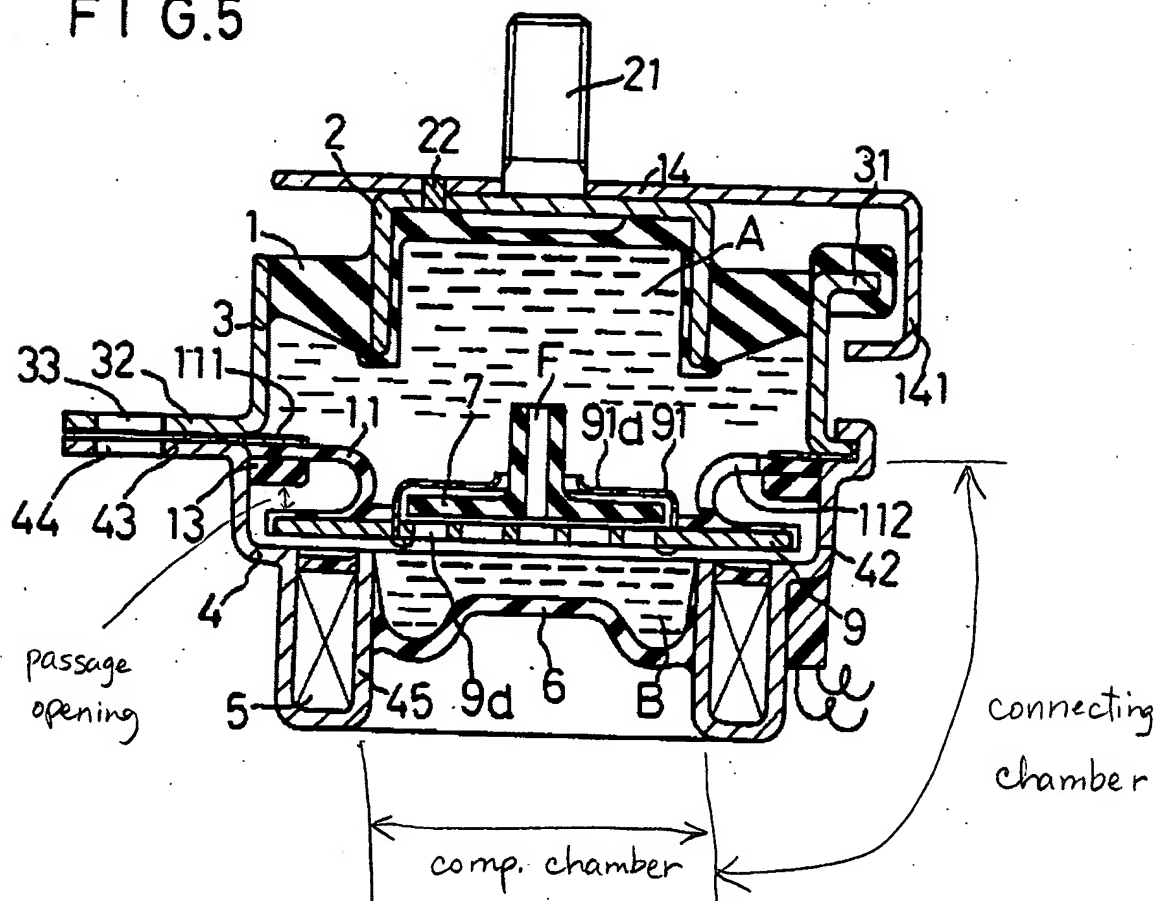
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa (USP 4,853,723).

Re: claim 1, Ozawa shows a switchable assembly bearing with hydraulic damping, as in the present invention, particularly for supporting drive assemblies and/or gearbox assemblies in motor vehicles, comprising: at least one working chamber A and one compensation chamber B that are separated from one another by a dividing wall 11, said working chamber and said compensation chamber being hydraulically interconnected through a damping channel F, and at least one additional damping channel 112 that can be closed by means of a shut-off body 9 displaceable along a displacement path, said shut-off body being capable of providing a seal by contact with an associated seat 13, wherein said additional damping channel is configured and disposed relative to a symmetry axis of the bearing so that forces acting on said shut-off body through a hydraulic liquid counterbalance each other.

FIG. 5



Re: claim 2, Ozawa further shows said damping channel 112 forms an aperture between the working chamber A and the compensation chamber B in the form of a radially surrounding annular slot with a passage opening disposed radially relative to said symmetry axis and directed toward said compensation chamber B, as marked

above, and that said shut-off body 9 is formed by a sealing ring disposed at said passage opening and is displaceable along a displacement path that extends vertical to said passage opening between an open position and a closed position.

Re: claim 3, as marked above, said passage opening points radially outward.

Re: claims 4-6, Ozawa states in column 6, line 10 that the shut off body 9 is a magnetic body and further shows device 5 for actuating said shut off body formed of a ring-shaped electromagnet.

Re: claim 7, figure 5 also shows the electromagnet being disposed in a chamber as claimed.

Re: claim 8, Ozawa shows in column 6, line 10 that the shut off body is a magnetic body.

Re: claim 9, figure 5 shows the additional damping channel is disposed within the dividing wall 11.

Re: claim 10, Ozawa shows said additional damping channel F for decoupling and quenching low-frequency, high-amplitude vibrations is designed for an idling drive assembly in column 2, lines 13-17.

Re: claim 11, Ozawa also shows a decoupling device 7 for quenching and damping high-frequency, low-amplitude acoustic vibrations in column 4, lines 1-7.

Re: claim 12, Ozawa shows a bearing assembly, as in the present invention, comprising: a working chamber A; a compensation chamber B, said compensation chamber in fluid communication with said working chamber through a first damping channel F; and a connecting chamber, as marked above, said connecting chamber

fluidly connecting said working chamber and said compensation chamber through a second damping channel 112; wherein said connecting chamber includes a sealing ring 9 that is movable between an open position and a closed position such that said sealing ring can open and close said second damping channel.

Re: claims 13-15, Ozawa also shows an electromagnet 5 disposed in said connecting chamber and said electromagnet 5 moves said sealing ring between said open and said closed position, wherein said sealing ring is comprised of a magnetic elastomer, see column 6, line 10.

Double Patenting

9. Claim 1 of this application conflicts with claim 1 of Application No. 10/506369. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ozawa et al., Rohner et al., Aoki and Gries et al. are cited for other dampening assemblies.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lan Nguyen
Primary Examiner
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 11/29/06